

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/EP2004/052981	International filing date (day/month/year) 16.11.2004	Priority date (day/month/year) 17.11.2003
International Patent Classification (IPC) or both national classification and IPC A24C5/47		
Applicant G.D SOCIETA' PER AZIONI		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer MARZANO MONTEROSSO Telephone No. +31 70 340-2902
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/EP2004/052981

IAP20 Rec'd PCT/PTO 17 MAY 20th

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/EP2004/052981

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

PCT/EP2004/052981

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following document:

D1: WO 03/043449 A (FOCKE HEINZ ;BECKMANN FRANK (DE); FOCKE & CO (DE); KUNIG CHRISTINA) 30 May 2003 (2003-05-30)

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.
- 3 Document D1, which is considered to represent the most relevant state of the art, discloses (cf. p. 7, l. 11-20) a drum for filtering assembly machines from which the subject-matter of claim 1 differs only in that the drum according to D1 is a spreading drum and not a centring drum;
 - 3.1 In fact the drum according to D1 although intended for spreading rod-like articles is also provided with stop members and also with adjusting means (38) adapted to move the successions of stop members equally and oppositely along the longitudinal axis of the seat.
 - 3.2 The problem to be solved by the present invention may be regarded as providing for a drum which is adapted to be rapidly adjusted to different lengths of tobacco articles with a limited downtime.
 - 3.3 The solution to this problem proposed in claim 1 of the present application is not considered as involving an inventive step (Article 33(3) PCT) because document D1 shows the same solution to the same problem of fast adaptation of drums capable of transporting rod-like articles to different lengths of said articles, even though applied to a different stage in the cigarette manufacturing process. Thus it is considered that the skilled person would consider adapting the solution of D1 to a centring drum for filter assembly machines.
- 4 Dependent claim 2-10 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in

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respect of inventive step. Thus a positive international preliminary examination report with regards to said claims can only be issued if said claims relate to an independent claim meeting the requirements of Art. 33(1) and (3) with regards to novelty and inventive step.